

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VASILIIY OSTAPOVICH	:	No. 05cv687
ROMANISHYN,	:	
Petitioner	:	(Judge Jones)
	:	
v.	:	
	:	
HONORABLE ALBERTO	:	
GONZALES, <u>ET AL.</u>	:	
	:	
Respondents.	:	

**MEMORANDUM AND ORDER**

**July 18, 2005**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On April 5, 2005, Petitioner Vasiliy Romanishyn (“Petitioner” or “Romanishyn”), filed a Petition for Writ of Habeas Corpus (“the Petition”) challenging his order of removal and continued detention by the United States Immigration and Customs Enforcement (“ICE”). (See Rec. Doc. 1). In an order dated June 21, 2005, we transferred the portion of Romanishyn’s Petition regarding his order of removal to the Third Circuit Court of Appeals pursuant to the Real ID Act. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief 2005, Pub.L.No. 109-13 (May 11, 2005). We retained jurisdiction over the portion of Romanishyn’s Petition seeking release from

custody and directed the Government to respond within twenty days to Romanishyn's claim that he is entitled to release. (See Rec. Doc. 13).

On July 11, 2005, the Government filed a response to the Petition in accordance with our June 21, 2005 Order and informed the Court that it has been instructed by ICE that Romanishyn was released from custody on May 12, 2005. (See Rec. Doc. 14, Ex. A, Ice DACS Printout). As such, the Government asserts that Romanishyn's request for release is moot.

We are in agreement with the Government and find that the only issue presented in the Petition over which this Court retained jurisdiction, Romanishyn's request for release, is moot as per his release from custody on May 12, 2005. The action is therefore dismissed. See Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996) ("If developments occur during the course of adjudication that eliminate a plaintiff's personal stake in the outcome of a suit or prevent a court from being able to grant the requested relief, the case must be dismissed as moot.").

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Romanishyn's Request for Release is dismissed as MOOT.
2. The Clerk shall close the file on this case.

s/ John E. Jones III  
John E. Jones III  
United States District Judge